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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,968	08/21/2001	Keigo Ihara	212969US6	5890

22850 7590 02/05/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/932,968

Applicant(s)

IHARA ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

**Response to Remarks filed 9/11/2006**

1. Claims 1-8 are presented for examination.

**Examiner's Note**

2. The Final Rejection dated 7/11/2006 is withdrawn due to the Pre-Appeal Brief Conference decision. However, upon further consideration, a new final rejection is issued in this Office Action.

The new final rejection is issued because arguments in the Pre-Appeal Brief conference request were based on the previous rejection of claims 1, 6, and 8 under Garrity et al, US Patent #6,230,205, in view of Cao, US Patent #6,782,550 and Adriano et al, US Patent #6,484,210, in which the previous rejection was necessitated by applicant's amendment.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrity et al, US Patent #6,230,205 (Garrity hereinafter), in view of Golden et al. US Patent #6,400,710 (Golden hereinafter) and Cao, US Patent #6,782,550 (Cao hereinafter).

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5. As per claims 1, 6, and 8, Garrity teaches substantially the invention as claimed including a method of reserving and accessing resources in a distribution server, Garrity's teachings comprising the steps of:

sending reservation request information including a desired service supply time period for distributing content using a distribution server from a user terminal apparatus to a reservation control apparatus via a network (Col 4, lines 3-5, 44-51; Col 6, lines 38-39; Col 8, lines 37-39. Schedule reservation of time by content provider (CP). Scheduling input gateway receives scheduling information.), said reservation control apparatus determining if the reservation request for distributing content using said distribution server during said desired service supply time period will be accepted (Col 9, lines 46-66. Determine if bandwidth is available on a specified channel.),

transmitting content from the user terminal apparatus to the distribution server via a network during said desired service time (Col 4, lines 33-35, 52-53; Col 13, lines 32-46. Receives data from CP. Stream input/output gateway receives streaming data.); and

broadcasting, by the distribution server, said content data received from said user terminal apparatus via said network (Col 6, lines 4-11; Col 13, lines 44-45. Send data stream to subscribers.).

6. Garrity teaches substantial features of the claimed invention including transmitting reservation requests and data at stream via a Network 138 to an operations center (OC); and the OC broadcasting data to a plurality of networks, wherein the networks may be a cable network, LAN, Satellite Network, PSTN, Internet, or a WAN. However, Garrity does not specifically teach of first network for transmitting reservation requests, and broadcasting content by the distribution server, and a second network for transmitting content to the distribution server. Furthermore, Garrity does not specifically teach of transmitting a current time reference value from said reservation control apparatus to said user terminal apparatus via the first network if the reservation request is accepted, said current time reference value determining when said reservation state of said distribution server will permit access by the user terminal

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apparatus to the distribution server for distributing content using said distribution server during said desired service time.

Golden teaches of a workstation communicating with a server via an Internet, i.e. first network, and requesting connection to a broadband network, i.e. second network; and the workstation communicating with the server via the broadband network (Col. 2, lines 21-23; Col. 2, lines 50-53; Col. 3, lines 12-16).

7. It would have been obvious to one of ordinary skill that Network 138 may be part of the same network as one of the plurality of networks such as Internet 148, which would allow clients with Internet access to transmit reservation requests and broadcast content. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity and Golden to use the Internet, i.e. first network, to communicate the reservation requests and establish the broadband network, i.e. second network, to transmit content since Garrity's system would require high bandwidth for streaming data. The teachings of Golden would improve the system by providing an alternative to routing content between client and server (Col. 2, lines 21-23), and overcome limitations of slow transmissions (Col. 1, lines 32-35).

8. Garrity and Golden still do not specifically teach of transmitting a current time reference value from said reservation control apparatus to said user terminal apparatus via the first network if the reservation request is accepted, said current time reference value determining when said reservation state of said distribution server will permit access by the user terminal apparatus to the distribution server for distributing content using said distribution server during said desired service time.

Cao teaches of transmitting the time of the server to the user to synchronize the time of the server and the user, wherein the server's time determines when a program will be delivered (Col 32, lines 42-45).

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9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Golden, and Cao to transmit the server's time to the user apparatus, and it would have been obvious to use the server's time to transmit content to the distribution server since Garrity teaches of determining if initiation of events is valid with the schedule. The teachings of Cao would improve the system of Garrity and Adriano by allowing the user to know the correct time to transmit content, and allowing for correct initiation and validation by the server.

10. As per claim 3, Garrity does not specifically teach the method of claim 1, further comprising a step of: changing a value of current time being used at said user terminal apparatus based on any difference between said current time reference value and said value of current time being used at said user terminal.

Cao teaches of changing the value of the client's time to that of the server's time (Col. 32, lines 42-45).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Golden, and Cao because the teachings of Cao to change the value of the client's time to that of the server's time would further improve the system of Garrity, Golden, and Cao by providing the user the correct time for initiating the transmission of the content, which would allow validation by the operation center.

12. As per claim 4, Garrity teaches the method of claim 1, wherein said distribution server streams said content received from said user terminal to a requesting client terminal apparatus via the first network (Fig. 1; Col 13, lines 42-45. Receive CP data stream and sends the data stream to subscribers.).

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13. Claims 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrity, Golden, and Cao, in view of Trewitt et al, US Patent #6,134,531 (Trewitt hereinafter).

14. As per claim 2, Garrity does not specifically teach the method of claim 1, further comprising steps of: calculating a difference in real time between said current time reference value and a value of current time indicated at said user terminal apparatus; and notifying the user of said user terminal apparatus of said difference in real time.

Trewitt teaches of calculating the difference between the time of the server and time of the client computer (Col. 4, lines 60-61).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Golden, Cao, and Trewitt because the teachings of Trewitt to calculate the difference between the time of the server and the time of the client computer would improve the system of Garrity, Golden, and Cao by providing time synchronization between the user terminal and the server (Col 5, lines 1-6). Furthermore, it would have been obvious to one of ordinary skill in the art to notify the user of the time difference in order to inform the user of the changes needed by the user's terminal.

16. As per claims 5 and 7, Garrity, Golden, and Cao taught of acquiring said current time reference value at said distribution server used for determining when said reservation state of said distribution server will permit access by the user terminal apparatus during said desired service time. However, Garrity does not specifically teach of acquiring said current time reference from a predetermined network time protocol (NTP) server, and acquiring said current time reference value at said reservation control apparatus that is transmitted in said transmitting step from said predetermined network time protocol (NTP) server.

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Trewitt teaches of a server obtaining its current time from the NTP (Col 4, lines 14-21).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Golden, Cao, and Trewitt because the teachings of Trewitt to receive time reference from the NTP would improve the system of Garrity, Adriano, and Cao by providing accurate time synchronization for devices communicating on the network, wherein the NTP can synchronize times to within milliseconds.

### **Conclusion**

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

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21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 24, 2007  
JJ

NATHAN J. FLYNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

